

52

1

J. Occhino

2

MR. SATRIALE: In general or

3

with respect to Plaintiff's Exhibit 6?

4

MR. STOECKER: In general.

5

A. In general?

6

MR. SATRIALE: You want him to

7

repeat the same answer he gave you a

8

few minutes ago?

9

A. In general?

10

Q. Well, let me ask you this, on

11

Exhibit 6, is there a reason why there's a

12

number set forth in box number seven, Social

13

Security tips, and no number set forth in

14

box number eight, allocated tips?

15

A. Because there is no allocated tips.

16

Q. What is the difference between

17

allocated tips and Social Security tips?

18

MR. SATRIALE: Asked and

19

answered, but you can answer again,

20

John.

21

A. If there was any tips that was over

22

that has to be allocated between employees,

23

that's the box it would go in.

24

Q. Over what? I don't understand.

25

A. Leftover tips, whatever. There's

1 J. Occhino

2 many different reasons why it goes in there,  
3 but in this case it wouldn't pertain to  
4 this. But in any company if there's tips of  
5 a certain number that's over of what they  
6 normally should get, then it would be  
7 allocated between all the employees.

8 Q. Okay. Well, if I looked at Exhibit  
9 6 for 2006, can you tell how much in tips  
10 was allocated to Mr. Morrocho for that period  
11 of time?

12 A. There was -- the only tips where he  
13 received was nothing allocated. He received  
14 tips of 7,800 in box seven.

15 Q. And where did you get the  
16 information for the amount of tips he  
17 received?

18 A. From his payroll sheet, the yellow  
19 sheets.

20 Q. The yellow sheets?

21 A. Uh-uh.

22 Q. So there's additional information  
23 on the yellow sheet?

24 A. That's the information that's on  
25 the yellow sheets. There's wages and tips.

54

1 J. Occhino

2 Q. There's, I'm sorry? Well, you  
3 testified a moment ago under oath that the  
4 yellow sheet contains his weekly salary,  
5 taxes, and the net.

6 A. That's correct.

7 Q. Now, you're amending that testimony  
8 to indicate that the yellow sheet contains  
9 additional information?

10 MR. SATRIALE: Objection to  
11 form.

12 A. The sheet shows what he makes  
13 gross, and his taxes, and his net.

14 Q. Okay. And where does it say what  
15 his tips are?

16 A. It's on the sheet also, that's part  
17 of his gross. His gross pay includes two  
18 things.

19 Q. There's just one number?

20 A. There's one number. It --

21 Q. His gross net includes tips?

22 A. It includes two different numbers  
23 which is broken down.

24 Q. I'm sorry?

25 A. It's broken down on the sheet so I

1 J. Occhino

2 know which number is tips and what his  
3 payroll is.

4 Q. So it is broken down on the sheet?

5 A. Yes, but his gross pay includes  
6 everything.

7 Q. Well, you said there was one  
8 number, his gross. Now, you're saying  
9 there's two numbers?

10 A. His pay is gross pay and his taxes  
11 and his net is what I said, that's correct.

12 Q. Okay.

13 A. Within that gross pay he has  
14 payroll and tips.

15 Q. Okay. So there's one number, gross  
16 pay?

17 A. No, there's -- it's broken down on  
18 the sheets.

19 Q. What is broken down on the sheets?

20 A. There's payroll and there's tips  
21 and it equals his gross pay.

22 Q. Payroll. His tips. Your testimony  
23 under oath is that his tips are stated  
24 separately on this sheet?

25 A. Yes, they are.

56

1

J. Occhino

2

Q. On this yellow sheet that is

3

maintained for each employee?

4

A. Yes.

5

Q. Okay. So if I looked at a yellow

6

sheet, I would see gross pay and then I

7

would see a further breakdown of that as

8

between salary and tips?

9

A. Yes.

10

Q. I see. And who enters the tip

11

information onto that sheet?

12

A. I do.

13

Q. Where do you get that information?

14

A. From whoever gives me the

15

information on what it should be.

16

Q. Who gives it to you?

17

A. Whoever is at Nyack Colonial Car

18

Wash is able to give it to me gives it to

19

me.

20

Q. Who would that be?

21

A. Tim sometimes and George.

22

Q. Anyone else?

23

A. No.

24

Q. And how do they convey that

25

information to you; verbally or in writing?

1 J. Occhino

2 A. Verbally.

3 Q. They tell you verbally?

4 A. Yeah.

5 MR. SATRIALE: He just said

6 that.

7 Q. And you write it down?

8 A. I make up the sheet for each  
9 employee based on what information they tell  
10 me.

11 Q. So you come in once a month;  
12 correct?

13 A. I don't do that once a month. I do  
14 it once a quarter for the payroll.

15 Q. You do it once a quarter?

16 A. For the payroll; that's right.

17 Q. I see. And they tell you how many  
18 tips each employee received in that quarter  
19 verbally, that's your testimony?

20 A. They tell me what their gross pay  
21 is and what their tips are, based on hours,  
22 and then I figure the taxes out.

23 Q. But the question is they tell you  
24 once a quarter what the tips for each  
25 employees are?

58

1

J. Occhino

2

A. No, they do not say that.

3

4

Q. What do they say with regards to tips?

5

6

A. They, they just tell me what their gross pay is and I figure what the tips are based on hourly wage.

8

9

10

Q. They tell you the gross pay, and then from that you calculate what portion of the gross pay is tips?

11

A. Uh-uh.

12

(Reporter asked for

13

clarification.)

14

Q. You have to say yes?

15

A. Yeah, I'm sorry. Yes.

16

Q. Yes?

17

A. (Indicating.)

18

19

Q. Okay. And how do you calculate the portion of the gross pay that's tips?

20

21

22

A. Depending on whatever salary they're getting so much is allocated to tips and so much is allocated to payroll.

23

24

Q. And how do you know how much to allocate the tips?

25

A. It's a percentage.

1 J. Occhino

2 Q. What percentage?

3 A. It's different, it's been  
4 different. Every year it's different, so I  
5 don't know what the actual would be.

6 Q. How was the percentage selected?  
7 Who selects the percentage?

8 A. Well, there's so much is allocated  
9 to tips.

10 Q. Who selects the percentage?

11 A. Actually, the -- there is, there is  
12 a minimum that is required by the state for  
13 tips based on the minimum wage.

14 Q. You calculate the percentage that  
15 is allocated to tips?

16 A. I don't calculate the percentage,  
17 no.

18 Q. Who does?

19 A. The government calculates the  
20 percentage of their wages and tips.

21 Q. You're saying that the government  
22 changes that percentage every year?

23 A. It's based on, yes, because it's  
24 based on the, the minimum wage requirements.

25 Q. Okay. Well, can you tell me how



60

1 J. Occhino

2 you calculate the percentage in a given  
3 year?

4 A. I don't, I don't set those rates,  
5 the state does.

6 Q. You look the rate up?

7 A. Yeah, it's a sheet.

8 Q. Where do you look it up?

9 A. The labor certificates, they send  
10 it out all the time.

11 Q. I'm sorry?

12 A. Labor, New York State Labor  
13 certificates, whatever it's called, they  
14 have it, where the minimum wage comes from.

15 Q. Where do you look up the  
16 percentage?

17 A. I get, there's something, a  
18 bulletin comes out and tells you what the  
19 new minimum wage is all the time.

20 Q. Okay. And then once you know the  
21 minimum wage you can determine the  
22 percentage?

23 A. I can -- when you know the minimum  
24 wage, then you know what the tips should be  
25 at least, yeah.

1 J. Occhino

2 Q. But the question is how do you  
3 calculate the percentage? Now, you're  
4 saying it's based on the minimum wage;  
5 correct?

6 A. It's whatever the minimum wage is,  
7 the tips have to be a certain minimum amount  
8 based on the wage, the minimum wage amount.

9 Q. So you calculate an amount of tips  
10 based on minimum wage; right, not based on  
11 actual tips received by the employees;  
12 correct?

13 A. Well, that's not true because it  
14 all depends what the tips are.

15 Q. Sir, you testified you don't know  
16 what the actual tips are.

17 A. No, I don't know what the actual  
18 tips are, no.

19 Q. When you do the calculations you  
20 don't know what the actual tips are?

21 A. No, I do not. I get that  
22 information from whoever is there tells me  
23 what the tips are. And George usually tells  
24 me what the gross would be and the tips  
25 would be for each person. We would figure

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1

J. Occhino

2

that out.

3

Q. George tells you what the gross is

4

and the tips are verbally?

5

A. Well, he tells me what the gross

6

will be for the person, yes. I'm not

7

understanding what you're trying to -- what

8

you want me to say here. I'm just telling

9

you that George gives me the gross and he

10

tells me, this is how much tips the person

11

is getting. And I figure the taxes based on

12

that.

13

Q. He tells you verbally how much?

14

A. Most of the time, yes, he does.

15

Yes.

16

Q. You don't get anything in writing?

17

A. No, nothing in writing.

18

Q. So for each employee, each quarter,

19

he tells less you their gross wages and

20

their total tips for the quarter, that's

21

your testimony?

22

A. It's not every quarter. It could

23

be -- there's no particular time he tells me

24

that. If nothing changes, nothing changes.

25

Q. Oh, so he doesn't tell you, you

1 J. Occhino

2 just keep it the same quarter to quarter  
3 unless he tells you otherwise?

4 A. Until he tells me otherwise.

5 Q. I see. Okay. Do you write down  
6 the amount of tips that he tells you to  
7 allocate to each employee?

8 A. On the sheets that's there.

9 Q. On what sheet is that?

10 A. The yellow payroll sheets.

11 Q. You write the tip allocation for  
12 each employee on the yellow payroll sheet?

13 A. Yes.

14 Q. And the allocation is what, a  
15 weekly, a monthly, a quarterly, what is the  
16 number that you write down on the sheet?

17 A. It's, it's every week, but I do it  
18 every quarter.

19 Q. I'll ask it again. What number do  
20 you write down on the sheet; the weekly  
21 allocation, the monthly allocation --

22 A. Weekly.

23 Q. -- quarterly allocation?

24 A. Weekly.

25 Q. And when do you do this, when you

64

1 J. Occhino

2 prepare the quarterly statements?

3 MR. SATRIALE: Objection to

4 form.

5 A. Yes.

6 Q. That's when you do it, that's when  
7 you write it down?

8 A. I write it -- it's hard. It's not  
9 as simple as that. It's -- I can do the  
10 payroll every quarter. And I add up all  
11 whatever is on the sheet that they work so  
12 many weeks and I put it down, that's where I  
13 get the information from. So it's not done  
14 -- it's there weekly, but I don't write it  
15 down every week.

16 MR. STOECKER: Can you read  
17 that back, please. Off the record.

18 (Discussion off the record was  
19 held.)

20 MR. SATRIALE: We are going  
21 back on the record for this. We are  
22 back on the record and I'm advising  
23 Mr. Stoecker --

24 MR. STOECKER: I asked for a  
25 read back --

1 J. Occhino

2 MR. SATRIALE: Before we get  
3 to that, I don't want to lose what just  
4 happened, he made an inappropriate  
5 comment off the record, and I'm  
6 advising him right now one further  
7 inappropriate comment with regard to  
8 the deponent in this case, we're  
9 leaving and we will contact Judge Fox  
10 immediately. Now, ask your questions  
11 and you'll get your answers. Keep your  
12 inappropriate comments to yourself.

13 MR. STOECKER: Okay. Well, no  
14 inappropriate comment was made and the  
15 suggestion --

16 MR. SATRIALE: No --

17 MR. STOECKER: -- and the  
18 suggestion that it was made is  
19 outrageous. Let's proceed with the  
20 deposition.

21 MR. SATRIALE: No, we're not  
22 proceeding nothing. Are you going to  
23 deny on the record --

24 MR. STOECKER: I'm not getting  
25 into a debate with you. Let's continue

66

1 J. Occhino

2 the deposition..

3 MR. SATRIALE: No, you just  
4 made a statement.

5 MR. STOECKER: Let's continue  
6 the deposition.

7 MR. SATRIALE: Are you going  
8 to deny on the record that you said,  
9 "this is an embarrassment," --

10 MR. STOECKER: Sir, I'm not  
11 here --

12 MR. SATRIALE: -- right  
13 before? Are you?

14 MR. STOECKER: I'm not here to  
15 answer your questions. Let's proceed  
16 with the deposition.

17 MR. SATRIALE: I'll take that  
18 as not a denial. Okay?

19 MR. STOECKER: Let's proceed.

20 MR. SATRIALE: Because I heard  
21 it, the witness heard it, and the court  
22 reporter heard it. Okay? So there's  
23 three of us that heard it.

24 MR. STOECKER: Good for you.

25 MR. SATRIALE: Now, ask your

1 J. Occhino

2 questions and you'll get your answers.  
3 One more wise crack and we're leaving  
4 and we're getting Judge Fox on the  
5 phone and you can do the deposition in  
6 front of Judge Fox.

7 MR. STOECKER: That's what I  
8 would like to do. In fact, let's get  
9 Judge Fox on the phone now.

10 MR. SATRIALE: Go ahead.

11 MR. STOECKER: This is  
12 outrageous.

13 MR. SATRIALE: I agree it's  
14 outrageous. You're outrageous.

15 MR. STOECKER: Do you have his  
16 number?

17 MR. SATRIALE: No, I don't  
18 have his number.

19 MR. STOECKER: Let's go off  
20 the record.

21 (Discussion off the record was  
22 held.)

23 MR. SATRIALE: Are we back on  
24 the record? I just want to say that  
25 before the last time we went off the



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1

J. Occhino

2

record, Mr. Stoecker made another

3

comment saying that either calling the

4

witness or saying that this is a joke.

5

That's the second one that he's made in

6

the last five minutes and I will raise

7

these issues with Judge Fox. And if it

8

continues we are going to terminate the

9

deposition.

10

MR. STOECKER: Okay. Well I

11

disagree --

12

MR. SATRIALE: I'm glad you

13

disagree, but there's three people here

14

that heard it.

15

MR. STOECKER: -- with

16

Mr. Satriale's comments about what was

17

said off the record, specifically --

18

MR. SATRIALE: And Madam Court

19

Reporter --

20

MR. STOECKER: -- I asked the

21

witness if he thinks that this is a

22

joke.

23

MR. SATRIALE: Madam Court

24

Reporter, I will ask you, I do not want

25

anything else of today's proceedings

74

1 J. Occhino

2 Q. And that number in the total  
3 earnings column is what again?

4 A. \$1,033.50.

5 Q. That was his wages for -- his  
6 entire wages for the 12 weeks of the second  
7 quarter?

8 MR. SATRIALE: Objection to  
9 form.

10 Q. Is that your testimony?

11 A. Yes.

12 Q. Okay. What was the entire amount  
13 of tips he received in the 12 weeks of the  
14 second quarter of 2001?

15 A. \$1,209.00 even.

16 Q. I see. Okay. Now, does the  
17 document page 04 set forth, for the second  
18 quarter of 2001, set forth his net earnings?

19 A. I don't total his net earnings.  
20 It's not necessary for inputting  
21 information.

22 MR. SATRIALE: Just answer his  
23 question; yes or no, or something like  
24 that.

25 THE WITNESS: I'm sorry.

76

1

J. Occhino

2

worked, gives you the total number.

3

Q. What number do you use for tips?

4

A. The numbers for each week

5

(Indicating).

6

Q. Okay. So, the number 93 appears

7

under the column with scribbles. Do you see

8

that?

9

A. Yeah, that's tips.

10

Q. That's the tips, the weekly tips?

11

A. Yes.

12

Q. So this assumes that he made the

13

same amount of tips each week?

14

A. Yes.

15

Q. And how is that 93 determined?

16

A. It's based on earnings and what

17

the, you know, what -- it's hard to say

18

because I don't remember, I don't remember

19

exactly how that number is calculated at

20

that particular time in '01.

21

MR. SATRIALE: Then that's

22

your answer then. Don't guess.

23

MR. STOECKER: Mr. Satriale,

24

you don't have to tell him what his

25

answer is.

1 J. Occhino

2 A. I don't remember.

3 Q. Where is it your practice to obtain  
4 it generally?

5 A. It comes from -- it comes from  
6 whatever George tells me the tips are for  
7 that particular person.

8 Q. George tells you what the tips are?

9 A. Uh-uh.

10 Q. Does he give you anything in  
11 writing?

12 A. No.

13 Q. When does George give you this  
14 information?

15 MR. SATRIALE: For who?

16 Objection. For who?

17 Q. Is it his practice to give you this  
18 information at any particular time?

19 A. Depending on when the employee  
20 starts work with him.

21 Q. Okay. And what does when the  
22 employee starts have to do with that?

23 A. The tips are determined on whatever  
24 how he calculated the tips he tells me what  
25 the tips are.

82

1 J. Occhino

2 That's the point. That's his answer,  
3 to the best of his recollection.

4 That's his answer.

5 Q. Okay. What were you saying before  
6 you were interrupted by your counsel?

7 MR. SATRIALE: There's no  
8 pending question.

9 MR. STOECKER: He was just  
10 talking. You interrupted him --

11 MR. SATRIALE: There's no  
12 pending question. Ask the question.  
13 Don't try to have the witness change  
14 his answer when you don't like it.  
15 That's his answer, to the best of his  
16 recollection.

17 Q. Did Mr. Kelly tell you once each  
18 quarter what the tips are or did he tell you  
19 on more than one?

20 MR. SATRIALE: For who? For  
21 what employee?

22 MR. STOECKER: For each  
23 employee.

24 MR. SATRIALE: Give us an  
25 employee.

1 J. Occhino

2 pretty much how they give it to me.

3 Q. Do you keep that information in any  
4 location?

5 A. Sometimes I put it on the top of  
6 their sheet.

7 Q. Okay.

8 A. Sometimes I just do the  
9 information, I put it on a piece of paper,  
10 and then I make the calculations and so  
11 forth.

12 Q. Okay. Is there anything I could  
13 look at on Exhibit 6 that would tell me what  
14 Mr. Morocho's hourly rate was in any of the  
15 quarters, for any of the quarters reflected  
16 in Exhibit 6?

17 MR. SATRIALE: Could you show  
18 him Exhibit 6?

19 MR. STOECKER: Of course I  
20 can.

21 MR. SATRIALE: You need to  
22 show him the document.

23 MR. STOECKER: I do show it to  
24 him.

25 MR. SATRIALE: You can't keep

90

1 J. Occhino

2 taking it back and forth and then ask  
3 him a question when it's not in front  
4 of him.

5 MR. STOECKER: Lou, calm  
6 down. I gave it to him on each  
7 occasion.

8 MR. SATRIALE: I'm generally  
9 calm. The protocol is to give the  
10 witness the same document that you're  
11 looking at.

12 MR. STOECKER: Well, you  
13 produced documents here for the first  
14 time today --

15 MR. SATRIALE: Mr. Stoecker,  
16 Mr. Stoecker, let me give you a news  
17 flash, this is an exhibit from a prior  
18 deposition. You could have made  
19 copies. That's a news flash.

20 MR. STOECKER: Well, you  
21 should have copies of exhibits.

22 MR. SATRIALE: I do. The  
23 witness needs one.

24 MR. STOECKER: Why don't you  
25 share yours with the witness?

1 J. Occhino

2 MR. SATRIALE: No, no, no,  
3 you -- I don't know what documents  
4 you're going to question him about.  
5 You share the documents with him.  
6 That's how it works. We're not doing  
7 this. Get him a document, and don't  
8 take it back from him. Okay? Get your  
9 own document. If you're going to ask  
10 him a question about the document, I  
11 want it in front of him when you're  
12 asking the question. Period.

13 MR. STOECKER: Mr. Satriale,  
14 please. Calm down.

15 MR. SATRIALE: I'm very calm.

16 MR. STOECKER: Stop banging  
17 your hand on the table. Stop getting  
18 in my face.

19 MR. SATRIALE: You know what?  
20 You're going to cause this court  
21 reporter to have to be subpoenaed  
22 because I'm not banging my hand on the  
23 table. Okay? And what I'm telling you  
24 now for the remainder of the day, if  
25 you want to ask him questions about the



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1 J. Occhino

2 document, I want the witness to have it  
3 in front of him when you're asking a  
4 question. Period.

5 MR. STOECKER: He will have --

6 MR. SATRIALE: Period.

7 MR. STOECKER: -- an  
8 opportunity to look --

9 MR. SATRIALE: No. No. No.

10 MR. STOECKER: -- at the  
11 document as often as he likes.

12 MR. SATRIALE: No. No. Not  
13 how it's going to work. Not how it's  
14 going to work. You ask him a question  
15 about the document, it's gotta be in  
16 front of him. Be prepared before the  
17 deposition.

18 Q. Please answer the question, sir.  
19 She will read it back to you.

20 MR. STOECKER: (Directed to  
21 the reporter) Do you have in mind the  
22 last question or would you like me to  
23 repeat it? Before Mr. Satriale's  
24 tirade.

25 MR. SATRIALE: No tirade,

1 J. Occhino

2 Mr. Stoecker. Now, you know what  
3 you're trying to do now is make up for  
4 the fact that you know you were  
5 inappropriate on two occasions and I  
6 promise you Judge Fox will hear about  
7 this Monday morning. First thing  
8 Monday morning, you'll hear about it.  
9 Now, you're trying to make up for that,  
10 because you know you screwed up --

11 MR. STOECKER: Mr. Satriale,  
12 please don't lean forward and get in my  
13 face like that. Okay?

14 MR. SATRIALE: I have not  
15 moved forward. You know what,  
16 Mr. Stoecker, you're going to cause  
17 this court reporter to have to be  
18 subpoenaed in front of Judge Fox.

19 MR. STOECKER: Please, put  
20 your hand down and don't point your  
21 finger at people like that,  
22 Mr. Satriale.

23 MR. SATRIALE: Mr. Stoecker,  
24 you're now totally misrepresenting what  
25 I'm doing.

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1

J. Occhino

2

MR. STOECKER: Is your finger

3

up in the air pointing --

4

MR. SATRIALE: My finger is in

5

between myself and my client.

6

MR. STOECKER: Please.

7

Don't.

8

MR. SATRIALE: Mr. Stoecker,

9

stop the games.

10

MR. STOECKER: Let's proceed

11

with the deposition.

12

MR. SATRIALE: You know what?

13

We're calling Judge Fox. We're

14

adjourning the deposition. I'm going

15

to reach out to Judge Fox and see if I

16

can --

17

MR. STOECKER: Let's call him

18

right now.

19

MR. SATRIALE: Yeah, that's

20

what I'm going to do.

21

MR. STOECKER: Well, let's get

22

him on a conference phone --

23

MR. SATRIALE: You got a

24

conference phone?

25

MR. STOECKER: Well, this not

# EXHIBIT C

83amorocp

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 FREDDY M. MOROCHO, WALTER TACURE,  
4 on behalf of themselves and others  
similarly situated,

5 Plaintiffs,

6 v.

07 Civ. 2979 (CLB) (MDF)

7 GEORGE C. KELLY and NYACK COLONIAL  
8 CAR WASH, INC.,

9 Defendants.

10 -----x  
11 United States Courthouse  
12 White Plains, N.Y.  
13 March 10, 2008

14 Before:

THE HONORABLE MARK D. FOX,

Magistrate Judge

15  
16  
17  
18 APPEARANCES

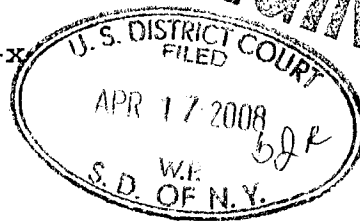
19 LAW OFFICES OF KARL J. STOECKER  
20 Attorneys for Plaintiffs  
21 KAREN L. ZDANIS  
KARL STOECKER

22 GEHRING & SATRIALE, LLC  
23 Attorneys for Defendants  
24 LOUIS R. SATRIALE, JR.

25 \*Proceedings recorded via electronic recording device.

CHRISTINA M. ARENDS-DIECK, RPR, RMR, CRR  
(914) 390-4103

ORIGINAL



1 plaintiff's counsel.

2 Who made the objection?

3 Mr. Satriale, let me hear what the objection is.

4 MR. SATRIALE: It wasn't a formal objection, your  
5 Honor. What happened was, about an hour or so into the  
6 deposition, Mr. Stoecker looked at the court reporter and said,  
7 "Off the record." He then looked at Mr. Akino and said, "This  
8 is a joke. You're an embarrassment." I then told the court  
9 reporter to immediately go back on the record. I advised  
10 Mr. Stoecker that saying "this is a joke; you're an  
11 embarrassment" was totally inappropriate. And as your Honor  
12 knows, Mr. Akino rearranged his schedule in order to be  
13 available on Friday.

14 The deposition then continued. What he began doing at  
15 that point was saying I was doing certain things that I wasn't  
16 doing. Shortly after this back and forth, he said,  
17 "Mr. Satriale, stop banging on the table." At the time, your  
18 Honor, I was sitting still next to Mr. Akino not banging on the  
19 table. Then I said to him -- at that point, I said,  
20 "Mr. Stoecker, what you're going to cause to happen is I'm  
21 going to have to subpoena the court reporter in order to come  
22 down to show that I wasn't banging on the table when you said I  
23 was banging on the table. I know what you're doing. You said  
24 something inappropriate to my witness. You got caught. And  
25 now you're trying to make things up that I'm doing." Then he

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